

G. PETER VAN ZANDT, ESQ.
Attorney for Defendants
City of Ithaca and Andrew Novarro
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOSEPH AMORE,

Plaintiffs,

v.

CITY OF ITHACA and ANDREW
NOVARRO,

Defendants.

CIVIL ACTION NO. 04 CIV 0176

**NOTICE TO DISMISS PURSUANT
TO RULE 12(b)(6) OF THE FEDERAL**

RULES OF CIVIL PROCEDURE

TO: Edward Kopko, Esq.
15 Nottingham Drive
Ithaca, New York 14850

COUNSEL:

PLEASE TAKE NOTICE that on September 10, 2004 at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorney for defendants City of Ithaca and Andrew Novarro ("Defendants") shall move, pursuant to Fed. R. Civ. P. 12(b)(6) before the Honorable Frederick J. Scullin, Jr., United States District Court Judge, for an Order to dismiss plaintiff's Complaint.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, defendants shall rely upon the pleadings in this case filed, the accompanying Memorandum of Law, Certification and affidavit of G. Peter Van Zandt, Esq., together with various exhibits thereto.

A proposed form of Order is submitted herewith.

Dated: August 13, 2004

G. PETER VAN ZANDT, ESQ.
Bar Roll No. 501011
Attorney for Defendants City of Ithaca
and Andrew Novarro